

1 Thomas W. McLane, WSBA #12226
2 Law Firm of Thomas W. McLane, PLLC
3 103 E. Indiana Ave., Suite A
4 Spokane, WA 99207
5 Phone: (509) 290-6968
6 Email: twm@twmclanelaw.com
7 Attorneys for Defendants

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF WASHINGTON
10 SPOKANE DIVISION

11 LONNIE TOFSRUD, an individual,)

12 Plaintiff,)

13 vs.)

14 CITY OF SPOKANE, a municipal)
15 corporation in the State of)
16 Washington, CRAIG MEIDL, in his)
17 personal and official capacity, JUSTIN)
18 LUNDGREN, in his personal and)
19 official capacity, and DAVE)
20 STABEN, in his personal and official)
21 capacity,)

22 Defendants.)
23)
24)
25)
26)

Case No. 2:19-cv-00371

DEFENDANTS' CITY OF
SPOKANE'S, CRAIG MEIDEL'S,
JUSTIN LUNDGREN'S AND
DAVE STABEN'S ANSWER TO
AMENDED COMPLAINT FOR
DAMAGES AND JURY DEMAND

COME NOW each of the named Defendants, the City of Spokane, Craig Meidl, Justin Lundgren and Dave Staben (hereinafter the Named Defendants), by and through their counsel of record, Thomas W. McLane of the Law Firm of

1 Thomas W. McLane, PLLC, and in answer to the Complaint, admit, deny, and
2
3 allege as follows:

4 **INTRODUCTORY STATEMENT**

5 1. The named Defendants admit the existence of claims asserted against
6
7 the named Defendants. The named Defendants deny the validity of any claim
8
9 against the named Defendants.

10 2. The named Defendants admit all were acting in their official capa-
11
12 cities as it related to action taken concerning Plaintiff. The named Defendants
13
14 deny the remaining allegations contained in Paragraph 2 of the Complaint.

15 **JURISDICTION AND VENUE**

16 3. Defendants admit that this Court has jurisdiction over this matter but
17
18 deny the remaining allegations in Paragraph 3. Defendants deny the remaining
19
20 allegations contained Paragraph 3 of the Complaint.

21 4. Defendants admit venue is proper in this judicial District but deny the
22
23 existence of any inappropriate action by any or all of the named Defendants and
24
25 therefore deny the remaining allegations contained in Paragraph 4 of the
26
Complaint.

PARTIES

5. The named Defendants admit the allegations contained in Paragraph 5 of the Complaint.

6. The named Defendants admit a lawsuit was filed against the City of Spokane, a municipal corporation. The named Defendants further admit that the Spokane Police Department is a department within the City and is often liable for the acts and omissions of the Spokane Police Department and its employees and agents. Except as admitted, the named Defendants deny the remaining allegations contained in Paragraph 6 of the Complaint, together with any and all inferences taken therefrom.

7. The named Defendants admit the allegations contained in sentences 1 and 2 of Paragraph 7 but deny the remaining allegations contained in Paragraph 7 of the Complaint, together with any and all inferences taken therefrom.

8. The named Defendants admit the allegations contained in Paragraph 8 of the Complaint.

9. The named Defendants admit the allegations contained in Paragraph 9 of the Complaint.

FACTUAL BACKGROUND

1 10. The named Defendants admit Plaintiff, as is with the other co-
2 workers of the City of Spokane, is a valued employee who has received reviews
3 and written commendations during his employment with Defendant City of
4 Spokane. It is further admitted that Plaintiff worked in the Targeted Crimes unit
5 until he was reassigned. Except as specifically admitted, the named Defendants
6 deny the remaining allegations contained in Paragraph 10 of the Complaint,
7 together with any and all inferences taken therefrom.
8
9

10
11 11. The named Defendants admit the first two sentences of Paragraph 11.
12 The named Defendants deny the remaining allegations contained in Paragraph 11
13 of the Complaint, together with any and all inferences taken therefrom.
14

15 12. The named Defendants admit all but sentence 5 contained in
16 Paragraph 12. Sentence 5 is denied due to a lack of sufficient knowledge of the
17 referenced but unidentified email.
18

19 13. The named Defendants admit the allegations contained in Paragraph
20 13 of the Complaint.
21

22 14. The named Defendants admit the allegations contained in Paragraph
23 14 of the Complaint.
24
25

1 15. The named Defendants admit sentences 1-4. The named Defendants
2 deny the remaining allegations contained in Paragraph 15 of the Complaint,
3 together with any and all inferences taken therefrom.
4

5 16. The named Defendants admit the allegations contained in the first
6 sentence of Paragraph 16. Defendants lack sufficient knowledge to admit or
7 deny the remaining allegations of Paragraph 16, and therefore deny the same.
8

9 17. The named Defendants lack sufficient knowledge to admit or deny
10 the allegations contained in Paragraph 17 and therefore deny the same.
11

12 18. The named Defendants are aware that a case was not pursued, and
13 that Lieutenant Stevens was contacted by Chief Criminal Prosecutor Driscoll
14 pursuant to an office policy requiring referral of allegations of officer misconduct
15 to the internal investigations unit of the subject agency. Except as admitted, the
16 named Defendants lack sufficient information to admit or deny the remaining
17 allegations contained in Paragraph 18 and therefore deny the same.
18
19

20 19. The named Defendants admit that Defendant Staben began a shift
21 level investigation at the direction of Lt. Stevens. The named Defendants deny
22 the remaining allegations contained in Paragraph 19 of the Complaint, together
23 with any and all inferences taken therefrom.
24

1 20. The named Defendants admit the allegations contained in sentences
2
3 1, 2 and 9 of Paragraph 20 of the Complaint. The named Defendants admit that
4 portion of sentence 3 which alleges that on January 15, 2018 that Plaintiff and
5 Sergeant Preuniger were added to the IA, but deny the remaining allegations
6 contained in Paragraph 20 of the Complaint, together with any and all inferences
7 taken therefrom.
8

9 21. The named Defendants admit the allegations contained in sentences
10
11 1, 2, and 5 of Paragraph 21 of the Complaint. The named Defendants deny the
12 remaining allegations contained in Paragraph 21 of the Complaint, together with
13 any and all inferences taken therefrom.
14

15 22. The named Defendants admit the allegations contained in sentence 1
16 of Paragraph 22 of the Complaint. Defendants further admit the matter was
17 reassigned by Stevens and that Sergeant Carr and Sergeant Waters handled the
18 bulk of the investigation. Except as admitted herein, the remaining allegations
19 contained in Paragraph 22 of the Complaint, together with any and all inferences
20 taken therefrom, are denied.
21

22 23. The named Defendants deny the allegations contained in Paragraph
23
24 23 of the Complaint, together with any and all inferences taken therefrom.
25

1 24. The named Defendants admit Plaintiff contacted the City's HR
2
3 Department to complain about Defendant Staben. Except as specifically
4 admitted, the named Defendants lack sufficient information to admit or deny the
5 remaining allegations in Paragraph 24, and therefore deny the remaining
6 allegations contained in Paragraph 24 of the Complaint.
7

8 25. The named Defendants admit Plaintiff was interviewed by Sergeant
9 Carr and was read his administrative rights. Defendants deny the remaining
10 allegations contained in Paragraph 25 of the Complaint, together with any and all
11 inferences taken therefrom.
12

13 26. The named Defendants admit the allegations contained in the first
14 sentence of Paragraph 26 of the Complaint. The named Defendants deny the
15 remaining allegations contained in Paragraph 26 of the Complaint, together with
16 any and all inferences taken therefrom.
17
18

19 27. The named Defendants admit the allegations contained in sentences
20 1, 2, and 3 of Paragraph 27 of the Complaint, but deny the remaining allegations
21 contained in Paragraph 27 of the Complaint, together with any and all inferences
22 taken therefrom.
23
24
25

1 28. The named Defendants admit sentences 1 and 5 of Paragraph 28 of
2 the Complaint. The named Defendants further admit that Plaintiff provided a list
3 of witnesses with his rebuttal statement whom were not interviewed. The named
4 Defendants lack sufficient information to admit or deny sentence 3 and therefore
5 deny the allegations contained therein. The named Defendants deny the
6 remaining allegations contained in Paragraph 28 of the Complaint, together with
7 any and all inferences taken therefrom.
8
9

10
11 29. The named Defendants admit the allegations contained in Paragraph
12 29, except for the allegation that a miscarriage of justice occurred. This
13 allegation is specifically denied.
14

15 30. The named Defendants deny the last sentence in Paragraph 30.
16 Except as specifically denied, the named Defendants admit the remaining
17 allegations set forth in Paragraph 30.
18

19 31. The named Defendants lack sufficient information to admit or deny
20 the allegations contained in Paragraph 31 and therefore deny the same.
21

22 32. The named Defendants lack sufficient information to admit or deny
23 the allegations contained in Paragraph 32 and therefore deny the same.
24
25

1 33. The named Defendants admit sentences 1 and 2 of Paragraph 33 and
2 deny the remaining allegations contained in Paragraph 33 of the Complaint,
3 together with any and all inferences taken therefrom.
4

5 34. The named Defendants admit the allegations contained in the first
6 two sentences of Paragraph 34. Except as specifically admitted, Defendants deny
7 the remaining allegations contained in Paragraph 34 of the Complaint, together
8 with any and all inferences taken therefrom.
9

10 35. The named Defendants deny the allegations contained in Paragraph
11 35 of the Complaint, together with any and all inferences taken therefrom.
12

13 36. The named Defendants lack sufficient information to admit or deny
14 the allegations contained in Paragraph 36 of the Complaint and therefore deny the
15 same.
16

17 37. The named Defendants admit that a report was submitted on or about
18 November 20, 2018 by Jennifer Jackson regarding Plaintiff's complaint. The
19 named Defendants deny the remaining allegations contained in Paragraph 37 of
20 the Complaint, together with any and all inferences taken therefrom.
21
22
23
24
25

1 38. The named Defendants state that the report speaks for itself. The
2 named Defendants deny the remaining allegations contained in Paragraph 38 of
3 the Complaint, together with any and all inferences taken therefrom.
4

5 39. The named Defendants admit both individuals were issued PID
6 letters by a third party over whom the named Defendants had no control. While
7 Plaintiff has been assigned to a precinct, the named Defendants deny the two
8 individuals were similarly situated. Except as specifically admitted, the named
9 Defendants deny the remaining allegations contained in Paragraph 39 of the
10 Complaint, together with any and all inferences taken therefrom.
11

12 40. The named Defendants deny the allegations contained in Paragraph
13 40 of the Complaint, together with any and all inferences taken therefrom.
14

15 41. The named Defendants admit Plaintiff was originally assigned with
16 varying duties, including but not limited to duties as outlined in sentence 1 of
17 Paragraph 41 of the Complaint. The named Defendants further admit sentences
18 2, 3, 4, 5, 6 and 8 of Paragraph 41 of the Complaint. Except as to what has been
19 specifically admitted, the named Defendants deny the remaining allegations
20 contained in Paragraph 41, together with any and all inferences taken therefrom.
21
22
23
24
25

42. The named Defendants admit that Plaintiff was directed to report to the Academy to qualify for firearms certification and to review new and/or updated policies and/or procedures and/or to complete other departmental mandates such as crisis intervention training. Except as to what has been specifically admitted, the named Defendants deny the remaining allegations contained in Paragraph 42 of the Complaint, together with any and all inferences taken therefrom.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

42 USC § 1983 – Fourteenth Amendment

Count One: Violation of Plaintiff's Procedural and Substantive Due

Process Rights

(All Defendants)

43. The named Defendants reallege their admissions, denials and averments contained in Paragraphs 1 to 42 as if fully set forth herein.

44. The named Defendants assert the allegations within Paragraph 44 of Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no

1 response is required. To the extent a response is deemed necessary, the named
2 Defendants deny the allegations contained in Paragraph 44 of the Complaint.
3

4 45. The named Defendants assert the allegations within Paragraph 45 of
5 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no
6 response is required. To the extent Plaintiff claims any of the named Defendants
7 did not act under color of state law, the named Defendants deny that portion of
8 the allegations contained in Paragraph 45 of the Complaint.
9

10 46. The named Defendants assert the allegations within Paragraph 46 of
11 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no
12 response is required. To the extent a response is deemed necessary, the named
13 Defendants deny the allegations contained in Paragraph 46 of the Complaint,
14 together with any and all inferences taken therefrom.
15

16 47. The named Defendants assert the allegations within Paragraph 47 of
17 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no
18 response is required. To the extent a response is deemed necessary, the named
19 Defendants deny the allegations contained in Paragraph 47 of the Complaint,
20 together with any and all inferences taken therefrom.
21
22
23
24
25
26

1 48. The named Defendants assert the allegations within Paragraph 48 of
2
3 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no
4 response is required. To the extent a response is deemed necessary, the named
5 Defendants deny the allegations contained in Paragraph 48 of the Complaint,
6
7 together with any and all inferences taken therefrom.

8 49. The named Defendants assert the allegations within Paragraph 49 of
9
10 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no
11 response is required. To the extent a response is deemed necessary, the named
12 Defendants deny the allegations contained in Paragraph 49 of the Complaint,
13
14 together with any and all inferences taken therefrom.

15 50. The named Defendants assert the allegations within Paragraph 50 of
16
17 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no
18 response is required. To the extent a response is deemed necessary, the named
19 Defendants deny the allegations contained in Paragraph 50 of the Complaint,
20
21 together with any and all inferences taken therefrom.

22 51. The named Defendants assert the allegations within Paragraph 51 of
23
24 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no
25 response is required. To the extent a response is deemed necessary, the named

1 Defendants deny the allegations contained in Paragraph 51 of the Complaint,
2
3 together with any and all inferences taken therefrom.

4 52. The named Defendants assert the allegations within Paragraph 52 of
5
6 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no
7
8 response is required. To the extent a response is deemed necessary, the named
9
10 Defendants deny the allegations contained in Paragraph 52 of the Complaint,
11 together with any and all inferences taken therefrom.

12 **Count Two: Violation of Plaintiff's Right to Equal Protection**

13 **(All Defendants)**

14 53. The named Defendants incorporate by reference their admissions,
15
16 denials and averments contained in Paragraphs 1-52 as if fully set forth herein.

17 54. The named Defendants admit there is a policy prohibiting
18
19 untruthfulness in the performance of official duties. The Defendants deny the
20
21 remaining allegations contained in Paragraph 54 of the Complaint, together with
22
23 any and all inferences taken therefrom.

24 55. The named Defendants deny the allegations contained in Paragraph
25
26 55 of the Complaint, together with any and all inferences taken therefrom.

1 56. The named Defendants deny the allegations contained in Paragraph
2
3 56 of the Complaint, together with any and all inferences taken therefrom.

4 57. The named Defendants assert the allegations within Paragraph 57 of
5
6 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no
7
8 response is required. To the extent a response is deemed necessary, the named
9
10 Defendants deny the allegations contained in Paragraph 57 of the Complaint,
11
12 together with any and all inferences taken therefrom.

13 58. The named Defendants assert the allegations within Paragraph 58 of
14
15 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no
16
17 response is required. To the extent a response is deemed necessary, the named
18
19 Defendants deny the allegations contained in Paragraph 58 of the Complaint,
20
21 together with any and all inferences taken therefrom.

22 59. The named Defendants assert the allegations within Paragraph 59 of
23
24 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no
25
26 response is required. To the extent a response is deemed necessary, the named
27
28 Defendants deny the allegations contained in Paragraph 59 of the Complaint,
29
30 together with any and all inferences taken therefrom.

1 60. The named Defendants deny Plaintiff is entitled to any of the relief
2
3 sought in Paragraph 60 of the Complaint.

4 **SECOND CLAIM FOR RELIEF**

5 **42 USC § 1983 – First Amendment**

6 **Violation of Right to Free Speech – Public Employees**

7 **(All defendants)**

8
9 61. The named Defendants incorporate their admissions, denials and
10
11 averments contained in Paragraphs 1-60 as if fully set forth herein.

12 62. The named Defendants assert the allegations within Paragraph 62 of
13
14 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no
15
16 response is required. To the extent a response is deemed necessary, the named
17
18 Defendants deny the allegations contained in Paragraph 62 of the Complaint,
19
20 together with any and all inferences taken therefrom.

21 63. The named Defendants admit the allegation contained in Paragraph
22
23 63 of the Complaint.

24 64. The named Defendants assert the allegations within Paragraph 64 of
25
26 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no
27
28 response is required. To the extent a response is deemed necessary, the named

1 Defendants deny the allegations contained in Paragraph 64 of the Complaint,
2
3 together with any and all inferences taken therefrom.

4 65. The named Defendants assert the allegations within Paragraph 65 of
5 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no
6 response is required. To the extent a response is deemed necessary, the named
7 Defendants admit all actions taken were taken in their official capacities and
8 under color of state law. The named Defendants deny any remaining allegations
9 contained in Paragraph 65 of the Complaint, together with any and all inferences
10 taken therefrom.
11

12
13 66. The named Defendants deny Plaintiff suffered any retaliatory actions
14 and therefore deny the allegations contained in Paragraph 66 of the Complaint,
15 together with any and all inferences taken therefrom.
16

17 67. The named Defendants deny the allegations contained in Paragraph
18 67 of the Complaint, together with any and all inferences taken therefrom.
19

20 68. The named Defendants deny responsibility for the relief sought in
21 Paragraph 68 of the Complaint.
22

23 **THIRD CLAIM FOR RELIEF**

24 **Outrage**

(All defendants)

69. The named Defendants incorporate by reference their admissions, denials and averments contained in Paragraphs 1-68 as if fully set forth herein.

70. The named Defendants assert the allegations within Paragraph 70 of Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no response is required. To the extent a response is deemed necessary, the named Defendants deny the allegations contained in Paragraph 70 of the Complaint, together with any and all inferences taken therefrom.

71. The named Defendants assert the allegations within Paragraph 71 of Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no response is required. To the extent a response is deemed necessary, the named Defendants deny the allegations contained in Paragraph 71 of the Complaint, together with any and all inferences taken therefrom.

72. The named Defendants assert the allegations within Paragraph 72 of Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no response is required. To the extent a response is deemed necessary, the named Defendants deny the allegations contained in Paragraph 72 of the Complaint, together with any and all inferences taken therefrom.

1 73. The named Defendants assert the allegations within Paragraph 73 of
2
3 Plaintiffs' Complaint constitute legal arguments, legal conclusions and/or a
4 prayer for relief, to which no response is required. To the extent a response is
5 deemed necessary, the named Defendants deny the allegations contained in
6 Paragraph 73 of the Complaint, together with any and all inferences taken
7 therefrom.
8

9
10 **FOURTH CLAIM FOR RELIEF**

11 **Defamation**

12 **(All Defendants)**

13 74. The named Defendants incorporate by reference their admissions,
14 denials and averments contained in Paragraphs 1-73 of the Complaint as if fully
15 set forth herein.
16

17 75. The named Defendants deny the allegations contained in Paragraph
18 75 of the Complaint, together with any and all inferences taken therefrom.
19

20 76. The named Defendants assert the allegations within Paragraph 76 of
21 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no
22 response is required. To the extent a response is deemed necessary, the named
23
24
25

1 Defendants deny the allegations contained in Paragraph 76 of the Complaint,
2 together with any and all inferences taken therefrom.
3

4 77. The named Defendants admit *Brady* information is made available to
5 defense counsel and Plaintiff is named in a tort claim, but deny the remaining
6 allegations contained in Paragraph 77, together with all inferences taken
7 therefrom.
8

9 78. The named Defendants assert the allegations within Paragraph 78 of
10 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no
11 response is required. To the extent a response is deemed necessary, the named
12 Defendants deny the allegations contained in Paragraph 78 of the Complaint,
13 together with any and all inferences taken therefrom.
14
15

16 79. The named Defendants assert the allegations within Paragraph 79 of
17 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no
18 response is required. To the extent a response is deemed necessary, the named
19 Defendants deny the allegations contained in Paragraph 79 of the Complaint,
20 together with any and all inferences taken therefrom.
21
22

23 REQUEST FOR RELIEF

24
25

1 The named Defendants deny Plaintiff is entitled to the relief sought in the
2 Request for Relief or to any relief whatsoever. Defendants further deny any and
3 all allegations of liability, as well as the existence, nature, and extent of Plaintiff's
4 claimed injuries and damages.
5

6 To the extent any allegation contained in Plaintiff's Complaint was not
7 specifically admitted above, or a lack of knowledge claimed, it is denied.
8

9 **DEMAND FOR JURY TRIAL**

10 In accordance with F.R.C.P. 38 and pursuant to the 7th Amendment,
11 Defendants hereby demand this matter appear before a jury.
12

13 **AFFIRMATIVE DEFENSES**

14
15
16 1. Plaintiff's Complaint fails in part to state a claim upon which relief
17 may be granted.
18

19 2. Any and all actions or conduct of which Plaintiff complains
20 regarding the Defendants in either/both their individual and official capacity were
21 reasonable at all times relevant hereto and were undertaken in good faith, and
22
23
24
25

1 without any requisite culpable intent of committing a violation of any of
2
3 Plaintiff's clearly established constitutional rights.

4 3. All actions taken by Defendants with respect to Plaintiff were
5
6 undertaken for legitimate reasons and no unlawful factors motivated Defendants'
7 actions towards Plaintiff.

8
9 4. Plaintiff's claim for damages, which are expressly denied, may be
10 barred in whole or in part by Plaintiff's failure to mitigate his damages.

11
12 5. Defendants acted in reasonable belief that their conduct was in
13 furtherance of the public interest.

14
15 6. Any damages allegedly suffered by Plaintiff were caused or
16 contributed to by his own fault, neglect, lack of care, and/or failure to exercise due
17 diligence, which serves or ought to serve to bar, and/or mitigate any damages
18 claimed by Plaintiff.

19
20
21 7. The injuries and damages alleged by the Plaintiff were the fault of
22 other entities or individuals not under the control of the Defendants.

1 8. At all relevant times, Defendants acted in substantial conformity with
2
3 applicable policies or practices that are lawful and reasonable.

4 9. All or part of Plaintiff's claims are subject to estoppel.
5

6 10. All or part of Plaintiff's claims have been waived by Plaintiff's own
7
8 acts or omissions.

9 11. Defendant Staben's actions throughout his investigation of Plaintiff
10
11 were reasonable.

12 12. Defendants are not the proximate cause of any or all of Plaintiff's
13
14 alleged damages.

15 13. Defendants are entitled to qualified immunity pursuant to the Federal
16
17 Civil Rights Act because they acted reasonably and in good faith under the settled
18
19 law in the circumstances.

20 14. Any written or oral statements made or otherwise attributed to any or
21
22 all of the named Defendants are protected by either a qualified privilege or an
23
24 absolute privilege.

1 FURTHER, by way of reservation of rights, without waiver, named
2
3 Defendants specifically reserve the right to amend this Answer by way of adding
4 additional Affirmative Defenses, Counter Claims, Cross-Claims, or instituting
5 third-party actions which may be appropriate after further investigation and
6
7 discovery.

8 **DEFENDANTS' PRAYER FOR RELIEF**
9

10 Having fully answered Plaintiff's Complaint, the named Defendants request the
11 following relief:
12

- 13 A. Plaintiff's Complaint be dismissed with prejudice;
14
15 B. Plaintiff take nothing from the case;
16
17 C. The named Defendants be awarded their costs and attorney's fees
18 under applicable law; and
19
20 D. For such other and further relief as the Court deems just and proper.
21
22
23
24
25
26

1 DATED this 10th day of February, 2020.

2 LAW FIRM OF THOMAS W. McLANE, PLLC

3
4
5 By: /s/ Thomas W. McLane
6 Thomas W. McLane, WSBA #12226
7 Attorneys for Defendants
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of February, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following:

Daniel E. Thenell dan@thenelllawgroup.com

Emerson Lenon emerson@thenelllawgroup.com

By /s/ Thomas W. McLane

Thomas W. McLane